fuel for use in areas in which the ambient air quality could have an adverse impact on public health. Because pollutant emissions are approximately proportional to the sulfur content of the fuel (i.e., a switch from 1 percent to 3 percent sulfur coal would approximately triple sulfur oxides emissions) this procedure would tend to temporarily degrade air quality in clean areas. A preliminary review indicates that most plans to prevent deterioration could accommodate this temporary increase in emissions. However, it is conceivable that there may be unusual cases, as where a source might have to switch from natural gas to coal, which could not be accommodated within some proposed deterioration limits. The Administrator solicits all available information concerning cases of this type, and is interested in comments on the advisability of including variance procedures in the proposed regulations to accommodate temporary emission increases of this type.

The Right of Regional Self-Sufficiency—It is desirable that all participants in this rulemaking carefully consider the full impact of deterioration restrictions, particularly as they would influence relatively clean areas in which the allowable deterioration increments might be very small. Due impart to the threat to the NAAQS, most large urban areas can no longer provide enough electrical power to supply their own needs; their power must come from non-urban, relatively clean, areas. However, in the future it may develop that even non-urban areas will not be able to supply their own power needs due to the threat of significant deterioration. For example, Iowa can be considered as a typical agricultural State with only nominal heavy industry. It is estimated that by 1980, the rural areas of Iowa will require approximately 1,700 megawatts of additional power per year. The production of that power, with application of best available control technology and regionally available fuel, would produce approximately 160,000 tons of sulfur dioxide per year, or an approximately fifty percent increase in emissions over the 1970 levels for those areas. Any deterioration plan must consider factors such as these to insure that the impact on each individual region can be tolerated and is consistent with the public interest.

OPPORTUNITY FOR PUBLIC PARTICIPATION

The Administrator solicits widespread public involvement in all aspects of the significant deterioration issue, and interested indivduals and groups are encouraged to actively participate in this rulemaking. In order to assist in the development of objective comments and debate, the Environmental Protection Agency's Office of Public Affairs and the Regional Offices will have available sets of technical documentation summarizing types and sizes of typical sources, typical emissions, estimated costs of emission controls, breakouts of total national emissions by type and type source, distribution of current emissions by AQCR, and associated data of value in assessing the impact of alternative deterioration plans. Copies of this information will be made available to the public upon request. Requestors should reference this issue of the FEDERAL REGISTER.

There are several questions on which EPA is particularly interested in receiving public comments and relevant data. One of the most important involves the concepts of "deterioration of air quality" and "significant deterioration of air quality." With respect to the term "deterioration," the question arises as to what type of change in ambient air quality represents "deterioration." With respect to "significant deterioration," questions arise as to whether it should be interpreted in the absolute or relative sense, and whether it should be determined on a national, State, or regional basis. Attention is therefore expressly directed to, and public comment requested on, the questions of what might appropriately be considered "deterioration" and, further, what degree of deterioration might appropriately be considered "significant."

Other questions on which public comment and relevant data are particularly requested include: whether, if an Air Quality Increment Plan or Emission Limitation Plan is adopted, the specific increments or limitations proposed herein are appropriate to prevent significant deterioration without severely disrupting growth and development; whether it is necessary and appropriate to require application of best available control technology as a minimum requirement of any plan for preventing significant deterioration; and whether the proposed definition of best available technology is appropriate. EPA also requests information which would explicitly define the possible economic impact of each of the proposed alternatives. Finally, the fact that four alternatives are specifically presented does not preclude interested parties from offering others for consideration.

Public hearings on these proposals are scheduled as follows:

Washington, D.C.: August 27 and 28
Time and place to be announced.

Atlanta: September 4 and 5; 10:00 a.m.
Civic Center
395 Piedmont Avenue, N.E.

Dallas: September 5 and 6; 9:00 a.m.
Environmental Protection Agency
Suite 1000
Conference Rooms A and B
1600 Patterson Street

Denver: September 5 and 6; 9:00 a.m.
U.S. Post Office Auditorium
Room 269
1823 Stout Street

San Francisco: September 5 and 6; 9:00 a.m. to 5:00 p.m.
Hyatt Regency Hotel
Seacliff Room
Embarcadero Center

Written comments in triplicate may also be submitted to the Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attn: Mr. Padgett. All relevant comments received not later than 90 days after the date of publication of this notice will be considered. Receipt of comments will be acknowledged but substantive responses will not be provided. Comments received will be available for public inspection during normal business hours at the Office of Public Affairs, 401 M Street, SW., Washington, D.C. 20460.

These alternative amendments are being proposed pursuant to an order of the U.S. Court of Appeals for the District of Columbia Circuit in the case of Sierra Club, et al., V. Administrator of EPA, case No. 72-1528. This notice of proposed rulemaking is issued under the authority of section 301(a) of the Clean Air Act as amended (42 U.S.C. 1857, et seq.).

Dated: July 12, 1973.

ROBERT W. FRI,
Acting Administrator,
Environmental Protection Agency.

Subpart A, Part 52, Chapter I, Title 40, Code of Federal Regulations, is proposed to be amended by adding to § 52.21 a new paragraph (b) and one of the paragraphs herein designated (c), (d), (e), and (f):

§ 52.21 Significant deterioration of air quality.

(a) Subsequent to May 31, 1972, the Administrator reviewed State implementation plans to determine whether or not the plans permit or prevent significant deterioration of air quality in any portion of any State where the existing air quality is better than one or more of the secondary standards. The review indicates that State plans generally do not contain regulations or procedures specifically addressed to this problem. Accordingly, all State plans are disapproved to the extent that such plans lack procedures or regulations for preventing significant deterioration of air quality in portions of States, where air quality is now better than the secondary standards. The disapproval applies to all States listed in Subparts B through DDD of this part. Nothing in this section shall invalidate or otherwise affect the obligations of States, emission sources, or other persons with respect to all portions of plans approved or promulgated under this part.

(b) For purposes of this section:

(1) The term "baseline air quality concentration" means the maximum air quality concentrations measured or estimated in an area in which the proposed source has a significant effect representative of the year 1972 plus the estimated increase in those concentrations caused by all sources granted approval for construction prior to the date of proposal of this section in the FEDERAL REGISTER but not operating during the year 1972.

(2) The term "baseline emissions" means the annual emissions for the year 1972 plus the estimated emissions from

all sources granted approval for construction prior to the date of proposal of this section in the FEDERAL REGISTER but not operating during the year 1972.

(3) The term "potential emission rate" means the total weight rate at which sulfur dioxide or particulate matter, in the absence of any air cleaning device, would be emitted from a stationary source when such source is operated at its rated capacity. Total weight rates shall be those actually expected for a specified source but in the absence of such information, it shall be estimated on the basis of the emission factors specified in "Compilation of Air Pollution Emission Factors," Office of Air Programs Publication No. AP-42, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, February 1972.

(4) The term "air cleaning device" means any article, machine, equipment, or other contrivance, chemical or process, the use of which may eliminate, reduce or control the emission of air pollutants into the atmosphere.

(c) Regulation for preventing significant deterioration of air quality through application of an air quality increment.

(1) This paragraph applies to sources identified below, the construction or modification of which is commenced after the date of proposal of this paragraph in the FEDERAL REGISTER.

(i) Any new or modified stationary source of a type listed below:

(*a*) Fossil-Fuel Fired Steam Electric Plants of more than 1000-million B.t.u. per hour heat input.

(*b*) Coal Cleaning Plants (thermal dryers).

(*c*) Kraft Pulp Mill Recovery Furnaces.

(*d*) Portland Cement Plants.

(*e*) Primary Zinc Smelters.

(*f*) Iron and Steel Mill Metallurgical Furnaces.

(*g*) Primary Aluminum Ore Reduction Plants.

(*h*) Primary Copper Smelters.

(*i*) Municipal Incinerators capable of charging more than 250 tons of refuse per day.

(*j*) Sulfuric Acid Plants.

(*k*) Petroleum Refineries.

(*l*) Lime Plants.

(*m*) Phosphate Rock Processing Plants.

(*n*) By-Product Coke Oven Batteries.

(*o*) Sulfur Recovery Plants.

(*p*) Carbon Black Plants (furnace process).

(ii) Any new or modified stationary source not identified in subdivision (i) of this subparagraph having a total annual potential emission rate on any premises equal to or greater than 4000 tons for any of the following pollutants.

(*a*) Particulate matter.

(*b*) Sulfur dioxide.

(*c*) Nitrogen oxides.

(*d*) Hydrocarbons.

(*e*) Carbon monoxide.

(2) No owner or operator shall commence construction or modification of a source to which this paragraph is applicable unless:

(i) The State in which the source is or will be located determines in accordance with this paragraph:

(*a*) That the effect on air quality of the source or modification of the source considered with the effect on air quality of existing, new or modified sources, will not cause the air quality to be increased above the baseline air quality concentration by more than any of the following:

(*1*) 10 $\mu g/m^3$ of particulate matter, annual geometric mean.

(*2*) 30 $\mu g/m^3$ of particulate matter, 24-hour maximum.

(*3*) 15 $\mu g/m^3$ of sulfur dioxide, annual arithmetic mean.

(*4*) 100 $\mu g/m^3$ of sulfur dioxide, 24-hour maximum.

(*5*) 300 $\mu g/m^3$ of sulfur dioxide, 3-hour maximum.

(*b*) That the source or modified portion of the source will be constructed and operated to employ best available control technology for minimizing emissions of particulate matter, sulfur dioxide, nitrogen oxides, hydrocarbons, and carbon monoxide.

(ii) The Administrator approves the State's determination under subdivision (i) of this subparagraph.

(3) In making the determinations required by subparagraph (2)(i) of this paragraph, the State shall, as a minimum, require the source to submit: Site information, plans, descriptions, specifications, and drawings showing the design of the source, calculations showing the nature and amount of emissions, a description of the manner in which the source will be operated and controlled, the cost of control, measurements or estimates of existing air quality levels, and the impact that the construction or modification will have on air quality levels and the air environment around the source.

(4)(i) In determining best available control technology, the following shall be considered:

(*a*) Reasonably available control technology as defined in Appendix B to Part 51 of this chapter.

(*b*) The process, fuels, and raw materials employed.

(*c*) The engineering aspects of the application of various types of control techniques.

(*d*) Process and fuel changes, and

(*e*) The cost of the application of the control techniques, process changes, alternative fuels, etc.

(ii) A system of control which is determined by the State and approved by the Administrator to be adequate to comply with standards of performance for new stationary sources under Part 60 of this chapter may be deemed to constitute best available control technology.

NOTE: Under the alternative definition of Best Available Control Technology, as set forth in the preamble, subdivision (iii) would be eliminated.

(iii) In the case of sources identified at subparagraph (1)(i)(*a*) of this paragraph, best available control technology for sulfur oxides shall consist, as a minimum, of a control strategy determined to be capable of complying with standards of performance for new stationary sources specified in Part 60 of this chapter. However, individual analysis of each new or modified source which considers the availability of fuel and the cost and efficiency of other or additional control strategies may result in additional control for individual plants.

(5) Subject to subdivision (x) of this subparagraph, the owner or operator of a source subject to the provisions of subparagraph (2) of this paragraph shall install, or cause to be installed, a minimum of two continuous ambient air quality monitoring instruments for sulfur dioxide and/or two intermittent ambient air quality monitoring instruments for particulate matter.

(i) The State shall specify which pollutant(s) the source shall monitor.

(ii) When source, meteorological and/or terrain conditions warrant, the State may require additional samplers above the minimum number specified in this paragraph.

(iii) Such systems shall include one site equipped to monitor wind speed and wind direction.

(iv) The instruments shall meet the performance and operating specifications of § 51.17(a)(1) of this chapter.

(v) The locations of such instruments shall be located in areas of expected maximum concentrations determined by meteorological diffusion modeling or best judgment.

(vi) The instruments shall be maintained, calibrated, and operated in accordance with the methods prescribed by the manufacturer of such instrument(s) and other procedures consistent with good engineering practice.

(vii) The owner or operator of the source subject to this paragraph shall maintain a record of all measurements required by this subparagraph. Measurement results shall be summarized monthly and reported to the State semi-annually, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30 and July 1–December 31, with the initial reporting period starting as indicated in subdivision (viii) of this subparagraph.

(viii) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable 6 months after initial start-up of the source.

(ix) Information collected pursuant to this subparagraph shall be made available to the Administrator upon his request.

(x) The State may demonstrate to the Administrator that the existing air quality surveillance system in the area in which a source is to be constructed or modified meets the requirements of this subparagraph.

(6)(i) Prior to making the determinations required by subparagraph (2)(i) of this paragraph, the State shall provide opportunity for public comment on the information submitted by the owner or

operator and on the State's analysis of the effect of such construction or modification on ambient air quality. Opportunity for public comment shall include, as a minimum:

(a) Availability for public inspection, in at least one location in the region affected, of the information submitted by the owner or operator, and the State or local agency's analysis of the effect on air quality,

(b) a 30-day period for submittal of public comment, and

(c) a notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subparagraphs (2)(i), and (3) of this paragraph.

(ii) Within 90 days from an owner or operator's submission of the information required under subparagraph (3) of this paragraph, the State shall publicly announce and transmit in writing to the Administrator its determinations under subparagraph (2)(i) of this paragraph, together with:

(a) Copies of all information prepared by the State under subparagraph (2)(i) of this paragraph; (b) a copy of the public notices issued in conformity with subdivision (i) of this subparagraph and (c) a statement that the State has complied with the requirements of this paragraph.

(7)(i) The Administrator will notify the State of his determination and the reasons for any disagreement under subparagraph (2)(ii) of this paragraph no later than 25 days following the State's submission of the information required under subparagraph (6)(ii) of this paragraph.

(ii) The State will notify the owner or operator in writing of the approval or denial to construct or modify a source within 120 days of the owner or operator's submission of the information required under subparagraph (3) of this paragraph.

(8) The Administrator may cancel an approval to construct if the construction is not begun within two years from the date of issuance, or if during the construction, work is suspended for one year.

(9) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

(d) *Regulation for prevention significant deterioration of air quality through application of an emission ceiling.* (1) This paragraph applies to sources identified below, the construction or modification of which is commenced in any Air Quality Control Region (AQCR) classified Priority Ia or III with respect to sulfur dioxide and/or particulate matter, after the date of proposal of this paragraph in the FEDERAL REGISTER.

(i) Any new or modified stationary source of a type listed below:

(a) Fossil-Fuel Fired Steam Electric Plants of more than 1000 million B.t.u. per hour heat input.

(b) Coal Cleaning Plants (thermal dryers).

(c) Kraft Pulp Mill Recovery Furnaces.

(d) Portand Cement Plants.

(e) Primary Zinc Smelters.

(f) Iron and [illegible]el Mill Metallurgical Furnaces.

(g) Primary Aluminum Ore Reduction Plants.

(h) Primary Copper Smelters.

(i) Municipal Incinerators capable of charging more than 250 tons of refuse per day.

(j) Sulfuric Acid Plants.

(k) Petroleum Refineries.

(l) Lime Plants.

(m) Phosphate Rock Processing Plants.

(n) By-Product Coke Oven Batteries.

(o) Sulfur Recovery Plants.

(p) Carbon Black Plants (furnace process).

(ii) Any new or modified stationary source not identified in subdivision (i) of this subparagraph having a total annual potential emission rate on any premises equal to or greater than 4000 tons for any of the following pollutants:

(a) Particulate matter.

(b) Sulfur dioxide.

(c) Nitrogen oxides.

(d) Hydrocarbons.

(e) Carbon monoxide.

(2) No owner or operator shall commence construction or modification of a source to which this paragraph is applicable unless:

(i) The State in which the source is or will be located determines in accordance with this paragraph:

(a) That the source or modified portion of the source considered with the cumulative effect on emission levels of all existing, new or modified stationary sources will not cause the maximum allowable emissions as determined by subparagraph (9) of this paragraph to be exceeded.

(b) That the source or modified portion of the source will be constructed and operated to employ best available control technology for minimizing emissions of particulate matter, sulfur dioxide, nitrogen oxides, hydrocarbons, and carbon monoxide.

(ii) The Administrator approves the State's determination under subdivision (i) of this subparagraph.

(3) In making the determinations required by subparagraph (2)(i) of this paragraph, the State shall, as a minimum, require the source to submit: Site information, plans, descriptions, specifications, and drawings showing the design of the source, calculations showing the nature and amount of emissions, a description of the manner in which the source will be operated and controlled, and the cost of control.

(4) (i) In determining best available control technology, the following shall be considered:

(a) Reasonably available control technology as defined in Appendix B to Part 51 of this chapter,

(b) The process, fuels, and raw materials employed,

(c) The engineering aspects of the application of various types of control techniques,

(d) Process and fuel changes, and

(e) The cost of the application of the control techniques, process changes, alternative fuels, etc.

(ii) A system of control which is determined by the State and approved by the Administrator to be adequate to comply with standards of performance for new stationary sources under Part 60 of this chapter may be deemed to constitute best available control technology.

(iii) In the case of sources identified at subparagraph (1)(i)(a) of this paragraph, best available control technology for sulfur oxides shall consist, as a minimum, of a control strategy determined to be capable of complying with standards of performance for new stationary sources specified in Part 60 of this chapter. However, individual analysis of each new or modified source which considers the availability of fuel and the cost and efficiency of other or additional control strategies may result in additional control for individual plants.

NOTE: Under the alternative definition of Best Available Control Technology, as set forth in the preamble, subdivision (iii) would be eliminated.

(5) (i) Prior to making the determinations required by subparagraph (2)(i) of this paragraph, the State shall provide opportunity for public comment on the information submitted by the owner or operator and on the agency's review of such information. Opportunity for public comment shall include, as a minimum:

(a) Availability for public inspection, in at least one location in the region affected, of the information submitted by the owner or operator, and the State or local agency's analysis of such information.

(b) A 30-day period for submittal of public comment, and

(c) A notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subparagraphs (2)(i), and (3) of this paragraph.

(ii) Within 60 days from an owner or operator's submission of the information required under subparagraph (3) of this paragraph, the State shall also publicly announce and transmit in writing to the Administrator its determinations under subparagraph (2)(i) of this paragraph, together with:

(a) A copy of the public hearing notices issued in conformity with subdivision (i) of this subparagraph and

(b) A statement that the State has complied with the requirements of this paragraph.

(6) (i) The Administrator will notify the State of his determination and reasons for any disagreement under subparagraph (2)(ii) of this paragraph no later than 25 days following the State's submission of the information required under subparagraph (5)(ii) of this paragraph. (ii) The State will notify the

owner or operator in writing of the approval or denial to construct or modify a source within 90 days of an owner or operator's submission of the information required under subparagraph (3) of this paragraph.

(7) The Administrator may cancel an approval to construct if the construction is not begun within two years from the date of issuance, or if during the construction, work is suspended for one year.

(8) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

(9) The maximum allowable emissions for an Air Quality Control Region shall be the following:

(i) For particulate matter the product of the area (square miles) for an AQCR and 3 tons of particulate matter/year/square mile or 120 percent of the baseline emissions for particulate matter, whichever is greater.

(ii) For sulfur oxides the product of the area (square miles) of an AQCR and 10 tons of sulfur dioxide/year/square mile or 120 percent of the baseline emissions for sulfur dioxide, whichever is greater.

(10) The State shall make available to the Administrator upon his request:

(i) The baseline emission inventory for particulate matter and sulfur dioxide, and

(ii) An annually updated emission inventory for each affected AQCR for all pollutants to which this paragraph is applicable.

(e) *Regulation for preventing significant deterioration of air quality through a local definition of significant deterioration.* (1) This paragraph applies to sources identified below, the construction or modification of which is commenced after the date of proposal of this paragraph in the FEDERAL REGISTER.

(i) Any new or modified stationary source of a type listed below:

(a) Fossil-Fuel Fired Steam Electric Plants of more than 1000 million B.t.u. per hour heat input.

(b) Coal Cleaning Plants (thermal dryers).

(c) Kraft Pulp Mill Recovery Furnaces.

(d) Portland Cement Plants.

(e) Primary Zinc Smelters.

(f) Iron and Steel Mill Metallurgical Furnaces.

(g) Primary Aluminum Ore Reduction Plants.

(h) Primary Copper Smelters.

(i) Municipal Incinerators capable of charging more than 250 tons of refuse per day.

(j) Sulfuric Acid Plants.

(k) Petroleum Refineries.

(l) Lime Plants.

(m) Phosphate Rock Processing Plants.

(n) By-Product Coke Oven Batteries.

(o) Sulfur Recovery Plants.

(p) Carbon Black Plants (furnace process).

(ii) Any new or modified stationary source not identified in subdivision (i) of this subparagraph having a total annual potential emission rate on any premises equal to or greater than 4000 tons for any of the following pollutants.

(a) Particulate matter.

(b) Sulfur dioxide.

(c) Nitrogen oxides.

(d) Hydrocarbons.

(e) Carbon monoxide.

(2) No owner or operator shall commence construction or modification of a source to which this paragraph is applicable unless:

(i) The State in which the source is or will be located determines in accordance with this paragraph:

(a) That the source or modified portion of the source will be constructed and operated to employ best available control technology for minimizing emissions of particulate matter, sulfur dioxide, nitrogen oxides, hydrocarbons, and carbon monoxide.

(b) That particulate matter and sulfur dioxide emissions from the source when controlled by best available control technology will not cause significant deterioration in air quality;

(ii) The Administrator approves the State's determination under subdivision (i) (a) of this subparagraph.

(iii) The Administrator approves the procedure employed by the State in making the determination required by subdivision (1) (b) of this subparagraph.

(3) No owner or operator shall operate a source to which this paragraph applies unless the emission control system determined to constitute best available control technology and approved by the Administrator under this paragraph is fully installed and properly functioning.

(4) No determination or approval under this paragraph shall relieve any source from compliance with any local, State or Federal requirement which is part of the implementation plan, including any standard of performance under Part 60 of this chapter.

(5) (i) In determining best available control technology, the following shall be considered:

(a) Reasonably available control technology as defined in Appendix B to Part 51 of this chapter,

(b) The process, fuels, and raw material employed,

(c) The engineering aspects of the application of various types of control techniques,

(d) Process and fuel changes, and

(e) The cost of the application of the control techniques, process changes, alternative fuels, etc.

(ii) Except as provided in subdivision (iii) of this subparagraph a system of control which is determined by the State and approved by the Administrator to be adequate to comply with standards of performance for new stationary sources under Part 60 of this chapter may be deemed to constitute best available control technology.

(iii) In the case of sources identified at subparagraph (1) (i) (a) of this paragraph, best available control technology for sulfur oxides shall consist, as a minimum, of a control strategy determined to be capable of complying with standards of performance for new stationary sources specified in Part 60 of this chapter. However, individual analysis of each new or modified source which considers the availability of fuel and the cost and efficiency of other or additional control strategies may result in additional control for individual plants.

NOTE: Under the alternative definition of Best Available Control Technology, as set forth in the preamble, subdivision (iii) would be eliminated.

(6) In making the determinations required by subparagraph (2) (i) of this paragraph, the State shall, as a minimum, require the source to submit: site information, plans, descriptions, specifications, and drawings showing the design of the source, calculations showing the nature and amount of emissions, a description of the manner in which the source will be operated and controlled, the cost of control, an estimate of existing air quality levels, and the impact that the construction or modification will have on air quality levels and the air environment around the source.

(7) (i) Prior to making the determinations required by subparagraph (2) (i) of this paragraph, the State shall provide opportunity for public comment on the information submitted by the owner or operator and on the agency's analysis of the effect of such construction or modification on ambient air quality. Opportunity for public comment shall include, as a minimum:

(a) Availability for public inspection, in at least one location in the region affected, of the information submitted by the owner or operator, and the State or local agency's analysis of the effect on air quality.

(b) A 30-day period for submittal of public comment, and

(c) A notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subparagraphs (2) (i), and (3) of this paragraph.

(ii) Within 90 days from an owner or operator's submission of the information required under subparagraph (3) of this paragraph, the State shall also publicly announce and transmit in writing to the Administrator its determinations under subparagraph (2) (i) of this paragraph, together with: (a) copies of all information prepared by the State under subparagraph (2) (i) of this paragraph; (b) a copy of the public notices issued in conformity with subdivision (i) of this subparagraph and (c) a statement that the State has complied with the requirements of this paragraph.

(8) (i) The Administrator will notify the State of his determination and reasons for any disagreement under subparagraph (2) (ii) of this paragraph no later than 25 days following the State's submission of the information required under subparagraph (6) (ii) of this paragraph.

(ii) The State will act within 120 days on an owner or operator's submission of

the information required under subparagraph (6) of this paragraph and will notify the owner or operator in writing of the approval or denial to construct or modify a source.

(9) The Administrator may cancel an approval to construct if the construction is not begun within two years from the date of issuance, or if during the construction, work is suspended for one year.

(f) *Regulation for preventing significant deterioration of air quality through application of area classification.* (1) This paragraph applies to sources identified below, the construction or modification of which is commenced after the date of proposal of this paragraph in the FEDERAL REGISTER.

(i) Any new or modified stationary source of a type listed below:

(a) Fossil-Fuel Fired Steam Electric Plants of more than 1000 million B.t.u. per hour heat input.

(b) Coal Cleaning Plants (thermal dryers).

(c) Kraft Pulp Mill Recovery Furnaces.

(d) Portland Cement Plants.

(e) Primary Zinc Smelters.

(f) Iron and Steel Mill Metallurgical Furnaces.

(g) Primary Aluminum Ore Reduction Plants.

(h) Primary Copper Smelters.

(i) Municipal Incinerators capable of charging more than 250 tons of refuse per day.

(j) Sulfuric Acid Plants.

(k) Petroleum Refineries.

(l) Lime Plants.

(m) Phosphate Rock Processing Plants.

(n) By-Product Coke Oven Batteries.

(o) Sulfur Recovery Plants.

(p) Carbon Black Plants (furnace process).

(ii) Any new or modified stationary source not identified in subdivision (i) of this subparagraph having a total annual potential emission rate on any premises equal to or greater than 4000 tons for any of the following pollutants:

(a) Particulate matter.

(b) Sulfur dioxide.

(c) Nitrogen oxides.

(d) Hydrocarbons.

(e) Carbon monoxide.

(2) For purposes of this paragraph areas of a State classified as Zone I or Zone II shall be limited to increases in pollutant concentrations shown below:

AREA CLASSIFICATION

Pollutant	Zone I	Zone II
Particulate matter:		
Annual geometric mean	5	19
24-hour maximum	10	37
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hour maximum	5	100
3-hour maximum	25	300

(3) (i) All areas of all States are classified as Zone II as of the effective date of this regulation.

(ii) The State may, within six (6) months subsequent to the effective date of this regulation:

(a) Submit to the Administrator, after a public hearing has been held, a designation showing certain areas of the State which are classified Zone I.

(b) Submit for the Administrator's approval plans showing certain limited areas of the State which may be allowed to increase concentrations of particulate matter and sulfur dioxide up to the national ambient air quality standards provided that:

(1) Public hearings are held.

(2) Appropriate documentation is submitted to justify such a request. This documentation shall include an explanation of the special characteristics of the area which demonstrates why this area should be allowed to increase in concentration up to the national standard. This explanation shall include such materials as developmental plans, location of raw materials such as mineral deposits, markets, growth and economic projections. In addition, the State must demonstrate that they considered classifying as Zone I areas of he State of recreational, ecological, and scenic value.

(4) No owner or operator shall commence construction or modification of a source to which this paragraph is applicable unless:

(i) The State in which the source is or will be located determines in accordance with this paragraph:

(a) That the effect on air quality concentrations of the source or modification considered with the effect on air quality concentrations of all other existing, new, and modified sources will not cause the baseline air quality concentration in any zone of the State to be increased above the limits shown in subparagraph (2) of this paragraph.

(b) That the source or modified portion of the source will be constructed and operated to employ best available control technology for minimizing emissions of particulate matter, sulfur dioxide, nitrogen oxides, hydrocarbons, and carbon monoxide.

(ii) The Administrator shall approve the State's determination under subdivision (i) of this paragraph.

(5) In makng the determinations required by subparagraphs (4) (i) of this paragraph, the State shall, as a minimum, require the source to submit: Site information, plans, descriptions, specifications, and drawings showing the design of the source, calculations showing the nature and amount of emissions, a description of the manner in which the source will be operated and controlled, the cost of control, an estimate of existing air quality levels, and the impact that the construction or modification will have on air quality levels and the air environment around the source.

(6) (i) In determining best available control technology, the following shall be considered:

(a) Reasonably available control technology as defined in Appendix B to Part 51 of this chapter,

(b) The process, fuels, and raw materials employed.

(c) The engineering aspects of the application of various types of control techniques,

(d) Process and fuel changes, and

(e) The cost of the application of the control techniques process changes, alternative fuels, etc.

(ii) A system of control which is determined by the State and approved by the Administrator to be adequate to comply with standards of performance for new stationary sources under Part 60 of this chapter may be deemed to constitute best available control technology.

(iii) In the case of sources identified at subparagraph (1) (i) (a) of this paragraph, best available control technology for sulfur oxides shall consist, as a minimum, of a control strategy determined to be capable of complying with standards of performance for new stationary sources specified in Part 60 of this chapter. However, individual analysis of each new or modified source which considers the availability of fuel and the cost and efficiency of other or additional control strategies may result in additional control for individual plants.

NOTE: Under the alternative definition of Best Available Control Technology, as set forth in the preamble, subdivision (iii) would be eliminated.

(7) The owner or operator of a source subject to the provisions of subparagraph (4) of this paragraph shall install, or cause to be installed, a minimum of two continuous ambient air quality monitoring instruments for sulfur dioxide and/or two intermittent ambient air quality monitoring instruments for particulate matter.

(i) The State shall specify which pollutant(s) the source shall monitor.

(ii) When source, meteorological and/or terrain conditions warrant, the State may require additional samplers above the minimum number specified in this paragraph.

(iii) Such systems shall include one site equipped to monitor wind speed and wind direction.

(iv) The instruments shall meet the performance and operating specifications of § 51.17(a) (1) of this chapter.

(v) The locations of such instruments shall be located in areas of expected maximum concentrations determined by meterological diffusion modeling or best judgment or in any other area specified by the State.

(vi) The instruments shall be maintained, calibrated, and operated in accordance with the methods prescribed by the manufacturer of such instrument(s) and other procedures consistent with good engineering practice.

(vii) The owner or operator of the source subject to this paragraph shall maintain a record of all measurements required by this subparagraph. Measurement results shall be summarized monthly and reported to the State semi-annually, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1–June 30, July 1–December 31, with the

initial reporting period starting as indicated in subdivision (viii) of this subparagraph.

(viii) The continuous monitoring and recordkeeping requirements of this subparagraph shall become applicable six months after initial start-up of the source.

(ix) Information collected pursuant to this subparagaraph shall be made available to the Administrator upon his request.

(x) The State may demonstrate to the Administrator that the existing air quality surveillance system in the area in which the source is to be constructed or modified meets the requirements of this subparagraph.

(8) (i) Prior to maikng the determinations required by subparagraphs (4) (i) of this paragraph, the State shall provide opportunity for public comment on the information submitted by the owner or operator and on the agency's analysis of the effect of such construction or modification on ambient air quality. Opportunity for pubic comment shall include, as a minimum:

(a) Availability for public inspection, in at least one location in the region affected, of the information submitted by the owner or operator, and the State or local agency's analysis of the effect on air quality.

(b) A 30-day period for submittal of public comment, and

(c) A notice by prominent advertisement in the region affected of the location of the source information and analysis specified in subparagraph (4) (i) of this paragraph.

(ii) Within 90 days from an owner or operator's submission of the information required under subparagraph (5) of this paragraph, the State shall also publicly announce and transmit in writing to the Administrator its determination under subparagraph (4) (i) of this paragraph, together with:

(a) Copies of all information prepared by the State under subparagraph (4) (i) of this paragraph,

(b) A copy of the public notices issued in conformity with subdivision (i) of this subparagraph, and

(c) A statement that the State has complied with the requirements of this paragraph.

(9) (i) The Administrator will notify the State of his determination and reasons for any disagreement under subparagraph (4) (ii) of this paragraph no later than 25 days following the State's submission of the information required under subparagraph (8) (ii) of this paragraph. (ii) The State will notify the owner or operator in writing of the approval or denial to construct or modify a source within 120 days of the owner or operator's submission of the information required under subparagraph (5) of this paragraph.

(10) The Administrator may cancel an approval to construct if the construction is not begun within two years from the date of issuance, or if the construction work is suspended for one year.

(11) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with all local, State, or Federal regulations which are part of the applicable plan.

[FR Doc.73-14601 Filed 7-13-73;10:49 am]